

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 7,401,327)	
)	
Inventor: Robert H. HALSTEAD, Jr. et al.)	Group Art Unit: 2193
)	
Issued: July 15, 2008)	Examiner: Insun Kang
)	
For: SYSTEM AND METHOD)	
SUPPORTING PROPERTY)	
VALUES AS OPTIONS)	Confirmation No.: 1846
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DETERMINATION OF PATENT TERM ADJUSTMENT - POST GRANT

Applicant requests reconsideration of patent term adjustment pursuant to the Federal District Court's decision in *Wyeth v. Dudas*. This request is filed within 180 days of the issuance of the patent on July 15, 2008. A petition under 37 C.F.R. 1.183 is filed herewith, requesting an extension to file a Request for Patent Term Adjustment to January 9, 2009.

The Office issued the subject U.S. Patent No. 7,401,327 (the '327 patent) with a patent term adjustment of 564 days, which was corrected to 198 days. The First Office Action issued on January 22, 2004, and the first RCE was filed on December 15, 2005. The '327 patent issued on July 15, 2008. The three year pendency date for determination of patent term adjustment is January 12, 2004, thereby creating an **additional PTO delay of 693 days** (calculated as 703 days from January 12, 2004 to December 15, 2005 minus 10 days from January 12, 2004 to January 22, 2004).

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In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, patentee submits it is entitled to a total patent term adjustment of 891 days of patent term adjustment. Applicant notes that the '327 patent is subject to a Terminal Disclaimer in view of U.S. Patent Nos. 7,340,720 and 7,373,639.

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a fee for \$200.00 to cover the required fee. If there are any other fees due in connection with the filing of this request, please charge them to Deposit Account 06-0916.

Respectfully submitted,

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Dated: January 9, 2009

By: 

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